



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

52

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,727	03/06/2002	Gilbert G. Weigand	06975-214001	5377

26171 7590 05/10/2005  
FISH & RICHARDSON P.C.  
P.O. BOX 1022  
MINNEAPOLIS, MN 55440-1022

EXAMINER
----------

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,727

Applicant(s)

WEIGAND ET AL.

Examiner

Stephan F Willett

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-26 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 9/24/04; 10/4/04  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/16/05; 5/17/02; 8/14/02; 5/24/03; 6/4/03; 10/2/03  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC 102***

1. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 9-19, 21-31, 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Urry with Patent Number 6,381,746.

1. Regarding claim(s) 1, 13, 25, Urry teaches duplicating video streams. Urry teaches a duplicating switch to receive a first stream of data units, col. 3, lines 48-50. Urry teaches a switch to store the stream, col. 3, line 43. Urry teaches generating second streams that incorporate the stored content, col. 4, lines 32-33 for use by terminals having addressing information that was not part of the first stream as “new viewers”, col. 7, lines 2-3. Urry teaches the switch making second streams available, col. 7, lines 8-11. Urry teaches duplicating one or more portions of the first stream, col. 11, lines 9-10.

2. Regarding claim(s) 2, 14, 26, Urry teaches storing content temporally related to data being generated, col. 6, lines 50-51.

3. Regarding claim(s) 3, 15, 27, Urry teaches using a location identifier to indicate which portion of data is being generated, col. 4, lines 40-42.

Art Unit: 2142

4. Regarding claim(s) 4, 16, 28, Urry teaches using a location identifier to indicate which portion of data is being time-shifted generated, col. 4, lines 40-42.
5. Regarding claim(s) 5, 17, 29, Urry teaches storing more than one instance of the same portion, col. 9, lines 10-12.
6. Regarding claim(s) 6, 18, 30, Urry teaches storing additional instance of the same portion as demand increases, col. 9, lines 37-39, 48-51.
7. Regarding claim(s) 7, 19, 31, Urry teaches storing associated header information, col. 5, lines 57-58.
8. Regarding claim(s) 9-10, 21-22, 33-34, Urry teaches the second stream is transmitted in response to a requests, col. 3, lines 65-67.
9. Regarding claim(s) 11, 23, 35, Urry teaches using a location identifier to indicate which portion of data is being generated, col. 4, lines 40-42; col. 9, lines 10-12, and transmitting different data to several requesters with different time differential, col. 8-9, lines 65-2.
10. Regarding claim(s) 12, 24, 36, Urry teaches receiving a first stream then storing, generating and making available second streams, col. 2, lines 59-62.

***Claim Rejections - 35 USC 103***

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

Art Unit: 2142

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103□ and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 8, 20, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urry with Patent Number 6,381,746.

14. Regarding claim 8, 20, 32, the Urry et al. patent discloses the method of the preceding claims. The Urry et al. patent does not explicitly disclose storing a checksum describing the content. However, Official Notice is taken MPEP 2144.03 (a)) that storing a checksum describing the content is well known in the art to insure the ability to double check the accuracy of sent data. It would have been obvious to one of ordinary skill in the art at the time of the application's invention to store a checksum describing the content to obtain the advantages of accuracy. By the above rational, the claim is rejected.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. A close review of the Rouillet et al. reference with Patent Number us 2002/0093963 is

Art Unit: 2142

suggested. The other references cited teach numerous other ways to monitor processors for aberrations, thus a close review of them is suggested.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571) 272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

A handwritten signature in black ink, appearing to read "Stephan Willett", is written over the printed name.

Stephan Willett

Patent Examiner

April 29, 2005